

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED
JUN 17 2008
U.S. DISTRICT COURT
ELKINS WV 26241

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:08 CR ⁹
(Maxwell)

NICHOLAS SHANE MATTHEWS,

Defendant.

ORDER

It will be recalled that on May 27, 2008, Nicholas Shane Matthews, the Defendant in the above-styled criminal action, appeared before United States Magistrate Judge John S. Kaull; waived his right to have his case presented to a Grand Jury; and entered a plea of guilty to Count One of a one-count Information. It will further be recalled that, by Report And Recommendation/Opinion Regarding Plea of Guilty In Felony Case entered May 28, 2008, Magistrate Judge Kaull accepted the Defendant's plea of guilty to the charge contained in Count One of the Information and recommended that the Defendant be adjudged guilty on said charge and that he be sentenced accordingly.

After a careful examination of the Report And Recommendation/Opinion regarding Plea Of Guilty In Felony Case entered by United States Magistrate Judge John S. Kaull on

May 28, 2008, the Court **ADJUDGES** the Defendant **GUILTY** of the crime charged in Count One of the Information in the above-styled criminal action, and, pursuant to Rule 11(c)(3)(A) of the Federal Rules of Criminal Procedure and Section 6B1.1(c) of the United States Sentencing Guidelines, **DEFERS** acceptance of the proposed plea agreement until the Court has received and reviewed the Presentence Report that will be prepared herein.

Pursuant to U.S.S.G. § 6A1 *et seq.*, it is hereby **ORDERED** that:

1. The Probation Officer shall undertake a presentence investigation of the Defendant;
2. The Government and the Defendant are to provide their Versions of the Offense to the Probation Officer and to advise the Probation Officer with regard to any sentencing factors that might require special review on or before **July 1, 2008**;
3. The Presentence Report is to be disclosed to the Defendant; Defense counsel; and the United States on or before **August 1, 2008**; however, the Probation Officer is directed not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(b)(6)(A);
4. Counsel shall file **WRITTEN OBJECTIONS** to the Presentence Report on or before **August 15, 2008**.
5. The Probation Officer shall submit to the Court the Presentence Report

with Addendum on or before **August 29, 2008**.

6. Counsel may file a **SENTENCING MEMORANDUM** that evaluates sentencing factors the parties believe to be relevant under 18 U.S.C. § 3553(a) (including the sentencing range under the advisory Guidelines) and explains any proposed sentence, on or before **September 10, 2008**;
7. Counsel for any party desiring to respond to any sentencing memorandum that has been submitted to the Court shall do so on or before **September 17, 2008**.
8. Sentencing memoranda may now be filed electronically with the Clerk of Court by utilizing the CM/ECF system.
9. Sentencing is set for **Wednesday, September 24, 2008, at 10:00 a.m.**

The Clerk of the Court is directed to transmit copies of this Order to counsel of record and to the United States Probation Office.

Enter: June 17, 2008


United States District Judge